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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,943	03/25/2002	Valentin Alexandrovich Mischenko	PAGA 06US	2608
7590	09/08/2005		EXAMINER	
David Newman Chartered PO Box 2728 La Plata, MD 20646				LASHLEY, LAUREL L
		ART UNIT		PAPER NUMBER
		2132		

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/018,943	MISCHENKO ET AL.
	Examiner Laurel Lashley	Art Unit 2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03/25/2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 March 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/31/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 12 have been examined.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 26 October 2001 was filed with before the mailing date of the first Office Action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement and Search Report are being considered by the examiner.

Specification

3. The disclosure is objected to because of the following informalities:

- Neglecting to use proper punctuation to indicate end of a sentence (see page 6, line 14, add --). --).
- Inappropriate use of words or letters (see page 6, line 25: delete "a"; see page 8, line 21: should be -- of -- instead of "o"; see page 12, line 31: delete "s").
- Inappropriate sentence structure (see page 8, line 15-20).
- Incorrectly referencing drawing labels (see page 13, lines 21 - 22: storage of [for] the accessory information should be (13) and storage of the transformed communication should be (14)).
- Labeling/naming conventions should be consistent throughout Application and in accordance with the drawings (see page 12, line 28: data base (2) and line 29: database (2); line 32: transformed communication (6) but drawing and Figure 6: transformed information; see page 13, line 9: switchboard (8) and Figure 1: commutator (8)).

- Use of subscripts should be consistent throughout Application (see page 12, line 27: (R_i) and Claim 1: (R_i)).
- Labeling omitted for contents of the specification:

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject

matter of the claimed invention. This item may also be titled "Technical Field."

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing, See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Appropriate correction to all identified and unidentified informalities throughout the Application is required.

Claim Objections

4. Claims 5, 8, 9, 10, and 11 are objected to because of the following informalities:
- Claim 5 reflects changes not properly cited in Preliminary Amendment A (“information” has been changed to “data”).
 - Claims 8 and 9 depend from only from one independent claim yet recites “claims” (see lines 4 and 11: “claims” should be --claim--).
 - Claim 10 is an improper claim format because it does not end with a proper punctuation, i.e. a period (see line 21: “;” should be --. --).
 - Claim 11 has a spelling error (see page 19, line 6: “accesory” should be -- accessory--).

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 - 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "regularities" in claims 1, 6, 7 and 11 is a relative term which renders the claim indefinite. The term "regularities" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Appropriate correction is required.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte*

Hasche, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation "generating the feature (R_i)", when according to the specification the given example is that of generating a random number. Appropriate correction is required.

6. Claims 1 and 7 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps of Claims 1 and 7 are on page 12, lines 25 – 31 and page 13 lines 23 - 30 of the specification respectively. Appropriate correction is required.
7. Claims 6 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships in Claims 6 and 11 should include, in terms of device/apparatus features, a clear definition of the function they carry out, i.e. the method of Claims 1 and 7 respectively since independent claims must be independently comprehensible. Appropriate correction is required.
8. Claims 1-12 recites the limitation "the" in features where there was no earlier reference (see Claim 1: "the feature", "the preassigned criterion", etc.). There is insufficient antecedent basis for this limitation in the claims. Appropriate correction to identified and unidentified informalities throughout the Application is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 - 12 rejected under 35 U.S.C. 102(b) as being anticipated by Haruhiko Nakamura in US Patent 4,905,277 (hereinafter US '277).

As it relates to Claim 1, US '277 teaches:

A method for encoding information (see *first line of the Abstract*:

enciphering...instruction) comprising the steps of:

- preliminary generating data on regularities connecting values of all initial symbols that may be used in the said kind of information with encoded symbols (see *column 2, lines 34 – 35: where ROM which contains data can be generated outside the microcomputer*);
- determining the number (n) of cycles of transforming specific initial information (see *column 2, line 36: where the program counter determines cycles*);
- realising the cycle of transforming which comprises:
 - generating the feature (R_i) that determines the regularity used for transforming the information in the current transformation cycle (see *column 2, line 44: where the control circuit controls the activities of mechanisms used in the transformation cycle; see also lines 51 – 53 where the components of the control circuit assist in transformation*);

- transforming the information using the selected regularity (see *column 2, line 44 and lines 51 - 53*);
- repeating transformation cycles a certain number of times (see *column 2, line 44 and lines 51 - 53*);

characterised in that,

- transforming of the information in each cycle is performed in such a way that results in forming a transformed in the said cycle information (C_i) and the accessory information for the said cycle (F_i) (see *column 2, line 54: as performed by the discriminating circuit*);
- the number (n) of cycles of the transformation of the initial information selected from the preassigned criterion (see *column 2, line 36*),
- forming an encoded message consisting of two parts, one of the said parts comprises the finally transformed information (C_n), and the second one comprises the accessory information array ($F = \{F_1, F_2, \dots, F_n\}$) (see *column 3, lines 18 – 22: where one predetermined format is equivalent to (C_n) and another predetermined format is equivalent to (F)*).

For Claim 2, US '277 teaches:

The process for encoding information according to claim 1, characterised in that

- transforming the information in each cycle is performed in such a way that results in forming a transformed in the said cycle information (C_i), that is shorter or equal to the length of the initial information, and the accessory information for the said

cycle (F_i) (see column 8, lines 39 – 40: where value is predetermined bit in address);

- the number (n) of cycles of the transformation of the initial information is selected from the preassigned criterion determining the size of the finally transformed information (see column 7, lines 15 - 16: where program counter regulates the cycles),
- forming an encoded message consisting of two parts, one of the said parts comprises the finally transformed information (C_n) that is shorter than the length of the initial communication, and the second one comprises the accessory information array ($F = \{F_1, F_2, \dots, F_n\}$) (see column 3, lines 18 – 22 and column 8, lines 39 - 40).

For Claim 3, US '277 teaches:

The process for encoding information according to claim 1, characterised in that

- transforming the information in each cycle is performed in such a way that results in forming a transformed in the said cycle information (C_i) that is shorter, equal or longer than the length of the initial information and the accessory information for the said cycle (F_i) (see column 2, lines 65 – 67: where length is determined by the address bit);
- the number (n) of cycles of the transformation of the initial information is selected from the preassigned criterion, determining the size of the finally transformed information and/or the degree of protectability of information (see column 7, lines 15 – 16: where cycles are regulated by the program counter),

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- forming an encoded information consisting of two parts, one of the said parts comprises the finally transformed information (C_n) that is shorter, equal or longer than the length of the initial communication, and the second one comprises the accessory information array ($F = \{F_1, F_2, \dots, F_n\}$) (see *column 3, lines 18 – 22 and column 8, lines 39 – 40*).

For Claim 4, US '277 teaches:

The method according to claims 1, 2 or 3, characterised in that the transformed in the said cycle information (C_i) and/or the accessory information for the said cycle (F_i) are mixed in each cycle or in some cycles (see *column 7, lines 45 – 47 where the instruction sets are combined*).

For Claim 5, US '277 teaches:

The method according to claims 1, 2, or 3, characterized in that the certain part of the accessory data for the cycle (F_i) is added to the transformed in the cycle data (C_i) in each or some transformation cycles (see *column 7, lines 45 – 47*).

As it relates to Claim 6, US '277 teaches:

The device for realising the process for encoding of information, comprises:

- an input unit (see *column 2, line 46: an internal control signal bus*),
- an output unit, the first input of which is connected with the second output of the commutator, and the second – with the output of the accessory information storage (see *column 2, line 45: an external control signal bus; lines 47 – 49 and its connections*);

- data base on the regularities connecting the initial information with the encoded information, the first input of the said data base being connected with the first output of the input unit and the second input - with the output of the random number generator (*see column 2, line 50: where the condition code register acts as the database*);

characterised in that, the device further comprises

- a random number generator, the input of which is connected with the first output of the making decision unit (*see column 2, line 51: where an accumulator is equivalent to a random number generator*);
- the transformation unit, the first input of which is connected with the second output of the output unit, the second input -with the output of the data base, and the third input--with the first output of the commutator (*see column 2, line 41: where the instruction decoders act as the transformation unit*);
- the storage for the transformed information, the input of which is connected with the first output of the transformation unit (*see column 2, line 32: where a memory such as ROM is storage and column 3, lines 22 – 23: where instructions are stored in odd addresses*);
- a storage for the accessory information, the first input of which is connected with the second output of the transformation unit, and the second input – with the second output of the making decision unit (*see column 2, line 32 and column 3, lines 23 – 24: where instructions are stored in even addresses*);

- the making decision unit, the first input of which is connected with the third output of the input unit, the second input - with the first output of the storage for the transformed communication (see *column 2, line 40: where the selecting circuit acts as the making decision unit*);
- the commutator, the first input of which is connected with the second output of the storage for the transformed communication, and the second input - with the second output of the making decision unit (see *column 2, line 41: where the data bus acts as the commutator*).

As it pertaining to Claim 7, US '277 teaches:

The process for decoding of the encoded information (see *first line of the Abstract: enciphering...instruction*) comprising the steps of:

- preliminary generating data on regularities connecting values of all encoded symbols that may be used in the said kind of information with initial symbols, which are identical to the regularities used at encoding (see *column 9, lines 35 – 41*);
- extracting , from the encoded communication, of the data (R_i), defining the regularity which is used in the current transformation cycles and connects the values of the encoded communications with the concrete symbols of the transformed information of the current transformation cycle (see *column 9, lines 42 – 49*);

- selecting the regularity connecting the values of the encoded communications with the concrete symbols of the transformed information of the current transformation cycle (see *column 9, lines 52 – 57*);
- extracting from the accessory information (F) the accessory information for the said transformation cycle (Fi) (see *column 3, lines 67 – 68 and column 4, lines 1-2*);
- transforming the transformed information (Ci) using the selected regularity and the accessory information for the said transformation cycle (Fi) (see *column 3, lines 56-58*);
- making decision on switching to the next cycle or termination of the transformation (see *column 9, line 52: where the selecting means control the flow of instructions/information*);
- characterised in that, the accessory information for the said transformation cycle (Fi); is isolated from the array of the accessory information (F) (see *column 3, lines 45: where the discriminating circuit isolates differing instructions/information*);
- recovering the information (Ci), which is transformed in the respective cycle, by using the selected regularity and the accessory information for the said transformation cycle (Fi) (see *column 9, lines 24 – 30: as performed by the instruction receiving means*);
- making decision on switching to the next cycle or termination of the transformation (see *column 9, lines 52 as performed by the selecting means*);

- using additionally in each transformation cycle a respective part of the accessory information, as a result of transforming with the use of the selected regularity there is formed the information recovered in the respective cycle (see *column 9, lines 58-65: where each part has its respective location*).

For Claim 8, US '277 teaches:

The process of decoding the encoded information according to claims 7, characterised in that

- in each transformation cycle there is additionally used a respective part of the accessory information and as a result of transformation with use of the selected regularity there is formed a recovered in the corresponding cycle communication, the length of which is larger or equal to the length of the communication, resulting from transforming in the previous cycle (see *column 9, lines 1 – 5*).

For Claim 9, US '277 teaches:

The process of decoding the encoded information according to claims 7, characterised in that

- in each transformation cycle there is additionally used a respective part of the accessory information, and as a result of transformation with use of the selected regularity there is formed a recovered in the respective cycle communication, the length of which is larger, equal or smaller than the length of the communication, resulting from transforming in the previous cycle (see *column 9, lines 6 – 9*).

For Claim 10, US '277 teaches:

The method according to claims 7, 8 or 9, characterised in that, the transformed in the respective cycle information (Ci) and/or the accessory information for the respective cycle (Fi) is preliminary unmixed in each cycle or in some cycles (see *column 10, liens 21 – 45: where the instructions are deciphered, separated and routed independently of each other*).

As it relates to Claim 11, US '277 teaches:

The device for realising the process for decoding information, comprises:

- an input unit (see *column 2, line 46*),
- an output unit (see *column 2, line 45*),
- data base on the regularities connecting the encoded information with the initial information (see *column 2, line 50*),

characterised in that, the device further comprises

- a transformation unit (see *column 10, line 21: first instruction decipher; column 10, line 27: second instruction decipher*);
- a storage of the recovered communication (see *column 10, line 6: read only memory (ROM)*);
- a storage of the accessory information (see *column 10, line 6*);
- a making decision unit (see *column 10, line 33: as performed by the selecting circuit in cooperation with the control unit*);
- a commutator (see *column 10, line 12: as performed by the data bus*),

the first input of the accessory information storage connected with first output of the input unit and the second input of the accessory information storage connected with first

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output a making decision unit; the first input of data base is connected to the second output of the of the input unit and the second input - to the first output of the storage for accessory information; the first input of the storage of the recovered information is connected to the third output of the input unit, the second- to the output of the transformation unit, and the third - to the first output of the making decision unit, the first input of the transformation unit is connected to the second output of the storage of accessory information, and the second - to the output of database, the third to the first output of the storage of recovered information, the second - to the fourth output of the input unit, the first input of the commutator is connected to the second output of the making decision unit, and the second - to the second output of the making decision unit, the output unit is connected to the second commutator output (see *column 10, lines 50 – 68 and column 11, lines 1 – 11: where the process of decoding is executed*).

For claim 12, US '277 teaches:

The method according to claim 4, characterized in that the certain part of the accessory data for the cycle (F_i) is added to the transformed in the cycle data (C_i) in each or some transformation cycles (see *column 7, lines 45 – 47: where the instruction sets are combined*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laurel Lashley
Examiner
Art Unit 2132

ll 08/31/2005

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SUPERVISORY PATENT EXAMINER
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